

REMARKS

Claims 1-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 5-12, 14-16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,661,973 (Huber) in view of U.S. Patent No. 6,433,903 (Barry). This rejection is respectfully traversed.

Huber is directed generally to optical wavelength division multiplexed systems. Of interest, Huber discloses introducing a local oscillator wavelength into an optical signal before it reaches an optical receiver 14. It is readily understood in the art that the local oscillator wavelength is intended to maximize the local oscillator power available for coherent detection of the optical signal. Thus, the local optical source 16 does not nor is it intended to introduce an in-fiber management signal within a network element as recited in Applicant's claimed invention. In fact, Huber further teaches that the local oscillator wavelength may be alternatively introduced at other locations, such as the transmitter 12 or along the fiber 15, of the optical system (see col. 5, lines 31-35).

The Examiner then relies on Barry to teach introducing an in-fiber management signal along each fiber within a network element. However, Barry merely teaches that it is well known for optical systems to use optical management signals. In Barry, an optical management signal is sent between different network elements and amongst different management domains. Barry fails to teach or suggest introducing in-fiber

management signals along each fiber within a network element as recited in Application claimed invention. For instance, Figures 5-12 of Barry illustrate how an optical management signal is coupled to an optical link. It is important to note that an in-fiber optical management signal is not provided for each fiber interfacing with the multiplexer or demultiplexer. Absent this fundamental teaching, the Examiner is cautioned against using hindsight reasoning in view of the present invention. Since neither Huber nor Barry teach introducing an in-fiber management signal along each fiber within a network element, applicant asserts that this combination of references fails to achieve Applicant's claimed invention. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over this combination of references.

Applicant notes that independent Claims 9 and 14 recite similar subject matter, and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.


CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 3, 2005 By:



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